

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,) Case No.
LINDSAY ELIZABETH, and HEATHER) 3:18-cv-01477-JR
HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiff,)
)
vs.)
)
NIKE, INC., an Oregon)
Corporation,)
)
Defendants.)
_____)

VIDEO-RECORDED VIDEOCONFERENCE
DEPOSITION OF JESSICA JUNKINS
Wednesday, December 16, 2020
Volume I

Reported by:
ROCHELLE HOLMES
CSR No. 9482
Job No. 4347607
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Deposition of JESSICA JUNKINS, taken on behalf of
Defendants, via videoconference, beginning at 10:01 a.m.
and ending at 7:58 p.m. on Wednesday, December 16, 2020,
before ROCHELLE HOLMES, Certified Shorthand Reporter No.
9482, Certified Realtime Reporter No. 0123.

1 APPEARANCES :

2
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22
23 VIDEOGRAPHER: RON LAZO

24 ALSO PRESENT: ALYSON SMITH, NIKE

25

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1 A In my backpack.

2 Q Has that notebook been produced?

3 A I don't think so.

4 MS. LUEDDEKE: Okay. We're going to ask for
5 that notebook to be produced, Counsel? 11:38AM

6 MR. ACKERMANN: Okay. We'll take a look and
7 make a copy and produce it.

8 Q BY MS. LUEDDEKE: Do you believe you were
9 discriminated against by Nike?

10 A Yes. 11:39AM

11 Q What actions do you believe were taken by
12 Nike against you that were discriminatory?

13 A I have experienced sexual harassment from my
14 direct manager and multiple other senior males.

15 Q Are there any other actions that you believe 11:39AM
16 were taken by Nike against you that were
17 discriminatory?

18 A Yes. When I reported the sexual harassment
19 on three separate occasions I was -- it wasn't taken
20 seriously and I was expected to continue working with 11:39AM
21 the person who was harassing me.

22 Q Okay. Are there any other actions taken by
23 Nike against you that you believe were discriminatory?

24 A I believe as a result of that hostility and
25 gender discrimination and pay in promotions I was 11:40AM

1 overlooked for a promotion.

2 Q Okay. Anything else?

3 A I can go through the bullet point details of
4 everything that's gone -- transpired if you like.

5 Q I'll go back through them, but are there any 11:40AM
6 other instances that you believe were discriminatory?

7 A Those are the main ones.

8 Q Are there any that you believe are not main?

9 A That are not main? The actions that Nike
10 took against me are sexual harassment that was allowed 11:41AM
11 to continue. I was expected to continue working with
12 the person who was harassing me. And my complaints
13 were not taken seriously. And I was discriminated
14 against.

15 Q How do you believe you were discriminated 11:41AM
16 against?

17 A So from day one my manager was wildly
18 inappropriate with me. He doesn't understand the
19 concept of boundaries, personal space. He was
20 constantly touching me and saying many things that 11:42AM
21 were wildly inappropriate.

22 Let's see. So in one of my CFE reviews I
23 was told to -- in 2018 I had been told that I need to
24 edit my sharp responses. I had been pretty vocal
25 about some unethical things that were going on around 11:42AM

1 responded, "Well, it is a man's world so you better
2 get used to it."

3 To which [REDACTED] said, "I'm going to connect you
4 with Sharon because I know her personally and she's
5 going to set you straight so you can do well at Nike." 11:45AM

6 Q You said that your direct manager allegedly
7 touched you; is that right?

8 A He did. A lot. There's no alleged. He
9 did.

10 Q And so going back to that CFE discussion, 11:45AM
11 was anybody present during that time?

12 A No.

13 Q How did you know about the conversation
14 between [REDACTED] and Ms. Baron?

15 A Because he told me. 11:46AM

16 Q Did he ever connect you with Ms. Baron?

17 A No. Because 99 percent of the things he
18 said never materialized.

19 Q Okay. Did [REDACTED] ever touch you below
20 the waist? 11:46AM

21 A Yes.

22 Q Okay. On what occasion?

23 A I was sitting at one of the worktables and
24 he touched my leg in a pretty gross way. There was
25 another occasion, this was after my first complaint. 11:46AM

1 We were in a meeting on the work floor, there was a
2 worktable out in the middle of the work floor. There
3 were several people at the table. And [REDACTED] was
4 flitting in and out of the meeting. I hadn't even
5 invited him, but he just invited himself. He touched 11:47AM
6 me numerous times throughout the meeting.

7 And after the meeting was over a few of us
8 remained at the table to continue working. And again,
9 [REDACTED] came back over. He used to just run around the
10 building randomly and he would just, you know, appear 11:47AM
11 behind you. And he pulled one of those. And he
12 started looking over my shoulder at what I was doing
13 on my computer. And this was a pretty tall table. I
14 was sitting on a stool. I was at one end and there
15 was two guys at the other end of the table. And [REDACTED] 11:48AM
16 pushed his lower body, his waist and his pelvis
17 against my lower body on the left side of my body --
18 sorry, the right side. And continued to push his body
19 into me under the table so that no one else could see
20 what was going on, to which I froze and slowly stood 11:48AM
21 up and moved my chair over and my computer.

22 Q How long was his lower body allegedly
23 touching you?

24 A I don't know exactly. It felt like a
25 million years. Probably five to ten seconds. 11:48AM

1 A I don't remember.

2 Q Approximately when did that happen?

3 A I don't know. It could have been around the
4 same time. Might have been before.

5 Q Okay. You said that you also experienced 11:50AM
6 sexual harassment from multiple other senior males,
7 who were they?

8 A [REDACTED]
9 [REDACTED].

10 Q Anybody else? 11:51AM

11 A My current manager [REDACTED] has a touching
12 problem as well, but I believe that ER's spoken to him
13 and he stopped doing it.

14 Q Did you report when [REDACTED] allegedly touched
15 your leg at the working table to ER when it happened? 11:51AM

16 A It was part of my complaint, my second
17 complaint in 2018.

18 Q Do you know about how long after the
19 incident that was?

20 A I don't know. 11:51AM

21 Q Did you report when [REDACTED] allegedly
22 touched you during the meeting to HR when it happened?

23 A That was the final straw as to best of my
24 recollection that prompted me to make my second
25 complaint. 11:52AM

1 Q About how long after the incident was that?

2 A I don't remember.

3 Q Why didn't you report when he allegedly
4 touched your leg at your working table to HR
5 immediately?

11:52AM

6 A Because there was so much inappropriate
7 behavior going on on a regular basis. And when I made
8 my first complaint in 2016 and nothing was done and
9 people who I spoke to knew what was going on and
10 nobody seemed to care. So I figured I guess this is
11 just the culture of Nike.

11:52AM

12 Q So it wasn't your complaint in 2016; is that
13 right?

14 A I did make a complaint at the time, but I
15 was brought into an existing investigation.

11:53AM

16 Q In addition to that existing investigation,
17 did you make your own complaint?

18 A I told them what was going on.

19 Q In the context of the ongoing investigation?

20 A They asked me if I had any concerns about
21 anyone on my team and I told them [REDACTED]. And I told

11:53AM

22 them what he was doing to me and how he behaved and
23 that I was actually frightened of him, particularly at
24 a recent off-site. So to -- in my mind I was making a
25 complaint, regardless of whether someone else had

11:54AM

1 already made a complaint.

2 Q What happened during the off-site?

3 A So he was -- I'll start from the beginning.

4 Before the off-site, granted for several

5 months his behavior was very erratic, very

11:54AM

6 unpredictable, there was constant touching. He was

7 just like a loose cannon, honestly, you never knew

8 what was coming.

9 And about a week before the off-site he came

10 up to [REDACTED] and I, we were both still ETWs. And he

11:54AM

11 started to tell us, "Don't think of me as your

12 manager, we're equals, we're going to get to see each

13 other's dark side at the off-site."

14 To which based on all the behavior that I

15 see after I heard that, yeah, I was even more scared

11:55AM

16 to go. And when we got to the off-site, he was like

17 following me around, he kept asking me the same

18 question over and over again. "How are you, how are

19 you?" "I'm fine, I'm fine."

20 I wanted to take this opportunity to get to

11:55AM

21 know some of my other teammates that I didn't

22 regularly work with, but he kept like basically

23 following me around, every time I turned around he was

24 standing there.

25 At one point we were in a banquet area,

11:55AM

1 multiple tables and I felt someone staring at me. And
2 I turn around and [REDACTED] is staring at me like right
3 behind my head with this creepy joker smile on his
4 face. And he didn't look away when I looked at him,
5 he just kept staring. And that -- that happened 11:56AM
6 numerous times after that, not just at the off-site,
7 throughout my employment.

8 At one point people were -- random people
9 would be speaking during the off-site during meetings
10 and he would just ramble on, and he was like not -- it 11:56AM
11 was like he wasn't saying anything, he was just
12 talking about nonsense. And I was just like, "Is
13 anybody listening to this? This is like insanity,
14 what's going on here?"

15 And he was highly intoxicated, at least 11:57AM
16 throughout the three days we were there and at least
17 at one party he was really, really drunk or high or
18 whatever, I don't know, he was really intoxicated and
19 I felt pretty scared. And I asked someone to take me
20 back to my cabin. And I avoided most of the other 11:57AM
21 social interactions after that and spent the rest of
22 my time, free time locked in my cabin.

23 Q Why were you scared?

24 A Because he was behaving in an erratic and
25 unpredictable manner and it felt like it was directed 11:57AM

1 at me.

2 Q What was erratic and unpredictable about his
3 manner?

4 A He was talking very random things that
5 didn't make sense in front of everyone, he was 11:58AM
6 creeping up behind me, he was intoxicated, highly
7 intoxicated, and kept asking me how I was, "How are
8 you doing, how are you doing?"

9 And when I didn't give him the answer he
10 wanted he just kept persisting. 11:58AM

11 Q Did you --

12 A Oh, yeah, at one time he was riding a bike
13 and me and [REDACTED] were walking back to the cabin and
14 he started circling us on the bike. And he said,
15 "Hey, ladies," and was just circling around us on this 11:59AM
16 bike and he -- I don't know.

17 After the dark side comment, which he
18 repeated at the off-site, "We're going to get to see
19 each other's dark side," yeah, I didn't want to find
20 out anything else. 11:59AM

21 Q Did he do anything else on that trip that
22 scared you?

23 A As far as I can remember, that's what I can
24 remember at this time.

25 Q Did you see him drinking alcohol at the 11:59AM

1 trip?

2 A Yes.

3 Q Were other people drinking alcohol?

4 A Yeah.

5 Q Were you drinking alcohol?

11:59AM

6 A I drank some, yes.

7 Q Did you see him smoke anything?

8 A No.

9 Q Did you see him take any other drugs of any

10 kind?

12:00PM

11 A No.

12 Q Okay. You mentioned earlier, you said there

13 was constant touching by [REDACTED] and you told us

14 about the two times that he allegedly touched you

15 below the waist.

12:00PM

16 Could you describe this other constant

17 touching?

18 A It was on and off for most of the first two

19 years of my employment. The first significant

20 incident was when we were still ETWs and I was sitting

12:00PM

21 at my desk, which was still out on the floor at this

22 time, we weren't in the main office area. And he just

23 came up behind me, I didn't even see him. The first

24 thing I felt was a hand on my back and he's just

25 rubbing my back up and down, just rubbing my back. He

12:01PM

1 just came up out of nowhere and just started rubbing
2 my back.

3 Q When was that?

4 A I don't remember the exact date, but it was
5 sometime in 2016. 12:01PM

6 Q How long did he rub your back for?

7 A I don't recall exactly, but it was five to
8 ten, 15 seconds, I don't know.

9 Q Did anybody else see this?

10 A I don't know. 12:01PM

11 Q Did you report this to HR when it happened?

12 A When I was brought into the investigation, I
13 told them.

14 Q So when you were brought into the
15 investigation you told them about him allegedly 12:01PM
16 rubbing your back and you told them about the
17 off-site.

18 Did you say anything else in the 2016
19 investigation?

20 A Yes. I told them that he regularly acts 12:01PM
21 crazy and unpredictably and aggressively.

22 Q How does he act aggressively?

23 A He's -- I witnessed him physically
24 threatening [REDACTED] on more than one

25 occasion. I consider all of the touching and weird 12:02PM

1 A No.

2 Q Did you throw any items down on the table?

3 A No.

4 Q When did this occur?

5 A I don't remember exactly. It was probably 12:11PM
6 sometime in 2018.

7 Q Okay. You said that [REDACTED] has said
8 things that are wildly inappropriate to you.

9 What are those things?

10 A Boy, so I would say first of all, we're 12:12PM
11 going to get to see each other's dark side is pretty
12 inappropriate thing to say to someone at work,
13 especially your subordinates.

14 Sometime in 2016, I was working on a
15 Converse Chuck version -- an usher version of that, 12:12PM
16 and I redesigned the pattern for the tongue and was
17 showing him. And he leaned over the table and said,
18 "I like your tongue."

19 And I just looked shocked at him and he
20 started apologizing profusely. Yeah. 12:13PM

21 Let's see. Another time there was -- on
22 occasion there's items in the building that are up for
23 grabs for people that Nike no longer wants or uses or
24 is going to end up in the garbage. And one of those
25 was -- it was a rug. And I had recently moved and I 12:13PM

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1 was looking for a similar rug and I was like, "Hey,
2 ████, can I get this rug?"

3 And he's like, "Sure."

4 First of all, he insisted that he bring it
5 over to my house. And when I said, "No, I don't -- I 12:13PM
6 got it, it's not that big, I can carry it myself."

7 He continued to insist, he really, really
8 wanted to bring that rug over to my house himself.

9 And I said, "No, I've got it."

10 And as I was inspecting the rug I saw that 12:14PM
11 it was very dusty because it had been sitting on the
12 shelf for probably two years. And I said, "Wow, this
13 is really dusty, I'm going to need to get a vacuum,"
14 or something like that.

15 And he's like, "No, you don't, you just need 12:14PM
16 a strong man to come over and shake out your rug, I
17 can come over and shake out your rug."

18 Q Okay. Anything else?

19 A Yeah. There was a lot more. And a lot of
20 it is already detailed in my notes that have been 12:14PM
21 submitted.

22 Q Could you describe what those instances are?
23 The current question is things that he said to you
24 that were allegedly wildly inappropriate?

25 A Well, again, I would also refer back to the 12:15PM

1 Phil Knight story. "It's a man's world and there's a
2 certain way that women are supposed to behave at
3 Nike."

4 I'd call that pretty wildly inappropriate.

5 Another instance, I was working at the table 12:15PM
6 again and he was doing his running around the building
7 like a chicken with his head cut off like he usually
8 did. And he sweeps up behind me, puts his hands over
9 my ears, because I was wearing headphones, he puts his
10 hands over my ears and yells "Get your hands off me 12:16PM
11 you dirty old man," as if to quote me.

12 Q Anything else?

13 A Yeah. So there was one time I was asked to
14 give a tour and I was showing one step of the process
15 that we were working on. And a group of guys came in. 12:16PM
16 I didn't know who they were, late, middle age, older
17 white males. And they were acting like children,
18 goofing off, elbowing each other. I'm the only woman,
19 I'm giving a tour, I'm giving a demonstration of -- I
20 believe it was welding, ultrasonic welding. And one 12:17PM
21 of the guys made some breast comment and put his hands
22 up and gestured as if he was touching someone's
23 breasts.

24 I -- after the tour was over I told [REDACTED] what
25 happened and he was pissed at me for complaining. And 12:17PM

1 he yelled at me, "Jessica, they're shoe dogs. This is
2 how they behave."

3 Q Anything else?

4 A Yeah. I was giving another tour to a
5 smaller group, the inline prototyping group. Again, 12:18PM
6 he wasn't invited on purpose, but he stumbled up and
7 he was what I would describe as sedated, intoxicated
8 somehow. And I was talking to -- I was talking to
9 ██████████ -- yeah. And then I walked away.

10 ██████████ comes up and he starts talking to them 12:18PM
11 and he's talking directly to ██████████ I came
12 back to rejoin the conversation and asked specifically
13 what they were referring to. And ██████████ in a really --
14 like as an intoxicated person would, he waves his hand
15 up in ██████████'s face and says, "Oh, no, no, nothing 12:19PM
16 important here, nothing, don't worry about it," as if
17 to just shoo ██████████ away like he didn't matter.

18 And he went away and then I continued on the
19 tour. And he stumbled back up later. And we were on
20 a time limit so I was trying to cut it short, but he 12:19PM
21 continued to talk and describe this -- he was clearly
22 altered. And when I tried to tell him we need to wrap
23 this up and move on he puts his hand in my face, got
24 hand to the face several times, and he just shushed me
25 and continued to talk. 12:20PM

1 And after that we just -- I just started
2 walking over and tried to get the tour to keep walking
3 towards the next station.

4 After the tour was over, I went back into my
5 desk in the office area and I saw him stumbling around 12:20PM
6 talking to several different people at their desks and
7 I could hear that he sounded like emotionally upset or
8 something, I don't know what was going on, but I saw
9 him go from desk to desk. And it looked like he was
10 having serious conversations. 12:20PM

11 And he comes over to me. And my desk was
12 against the wall so I couldn't escape, and he
13 kneels -- he kneels next to me really, really closely
14 and he starts rambling on about his personal life,
15 things that I don't need to know, it was just -- it 12:21PM
16 was really weird, it was really uncomfortable. And
17 there was -- it was inappropriate. First of all, he
18 was so close to me, his head was like right next to my
19 crotch. He was clearly intoxicated. And he was
20 talking about his wife and like all this personal 12:21PM
21 stuff that was just not appropriate.

22 Q When he allegedly said that "I like your
23 tongue," when was that?

24 A I think I was still an ETW or it might have
25 been right after we were hired on. 12:22PM

EXAMINATION (Resumed)

BY MS. LUEDDEKE:

Q When did the alleged incident with the rug occur?

A It was early 2019, because I had just moved to Beaverton. It might have been March or April. 01:20PM

Q Did you report it to HR when it happened?

A I included it in my report when I made my complaint in late 2019.

Q So like ten or 11 months later? 01:21PM

A Yeah.

Q Why did you wait that long?

A Because I hadn't been taken seriously before, so I kind of felt it was futile at that point.

Q What makes you say that you hadn't been taken seriously? 01:21PM

A Because I made two other complaints and I was still expected to continue working with him.

Q Do you know if it's standard if once you make a complaint for you to not work with the person that you're complaining against? 01:22PM

A I don't know.

Q Do you know if any coaching resulted from the 2016 investigation that you were a part of or your 2018 complaint? 01:22PM

1 A Based on what Seana told me and what the
2 first group of HR people told me in 2016 that he would
3 be receiving coaching, yes.

4 Q So why do you believe that you weren't taken
5 seriously? 01:22PM

6 A Because the pattern of his behavior is he
7 will stop for a while, then he starts again, he stops
8 for a while, then he starts again. And I feel that
9 the infractions were serious enough to justify my
10 termination. 01:23PM

11 Q But ER didn't agree with that; is that
12 correct?

13 A Apparently not.

14 Q Was anybody else around when [REDACTED]
15 asked if you needed help with the rug? 01:23PM

16 A Not to my recollection, no.

17 Q When [REDACTED] allegedly put his hands on
18 your ears and he said, "Get your hands off of me, your
19 dirty old man," was anybody else around for that?

20 A I believe there were some people at the far 01:23PM
21 end of the table, but I don't remember who it was.

22 Q When did this incident occur?

23 A I don't remember the exact date, but I was
24 still an ECW so it was probably sometime in 2016.

25 Q Did you report this incident in the 2016 01:24PM

1 A I don't know, because I can't remember if it
2 happened before or after.

3 Q Is this the same incident where [REDACTED]
4 allegedly leaned down in front of you and was talking
5 about his personal life? 01:29PM

6 A Yes. After the tour was over he went and
7 talked to several people in the office and then he
8 came over to my desk.

9 Q What did he say about his personal life?

10 A It's hard to recall because it was very 01:29PM
11 rambling and disjointed. He was talking about his
12 wife, his family, other things that had nothing to do
13 with work.

14 Q Did he talk about anything sexual in this
15 conversation? 01:29PM

16 A Not that I recall.

17 Q And you said that his head was close to your
18 crotch; is that right?

19 A Yeah. He was kneeling down while I was
20 sitting in my chair and he was very close to my body, 01:30PM
21 yes.

22 Q How close was he to your body?

23 A Really close, like, I don't know, his head
24 was like less than a foot away from me.

25 Q Was he touching you? 01:30PM

1 A He did touch me at some point in the
2 conversation, yes, he put his hand on me.

3 Q Where did he touch you?

4 A On my leg.

5 Q For how long?

01:30PM

6 A I don't remember.

7 Q Did anybody else see this?

8 A I don't know. There were multiple people in
9 the office coming to and from so I don't know if
10 anyone was paying any attention.

01:30PM

11 Q Do you remember who else was in the office?

12 A There was at least over 20 people. I don't
13 know.

14 Q Do you remember anybody at all?

15 A I do not.

01:30PM

16 Q You said that you experienced sexual
17 harassment from multiple other senior males and you
18 listed their names, the first was [REDACTED].

19 Could you explain the circumstances where
20 you believe [REDACTED] sexually harassed you?

01:31PM

21 A He would -- early on he would frequently
22 flirt with me. It was pretty constant. It was
23 required, part of our conversations was I just had to
24 play along with the flirting. There were several
25 occasions where he would come up behind me and just

01:31PM

1 grab my arms for no reason.

2 On our off-site when I was still an ETW he'd
3 put his hand on my leg when we were on the bus. Yeah,
4 those are the main ones that I can remember.

5 Q You said that you were required to play 01:32PM
6 along with the flirting; is that right?

7 A Yes.

8 Q What is your basis for that understanding?

9 A It felt like it was necessary.

10 Q What made it feel necessary? 01:32PM

11 A Because he is one of the highest most senior
12 people in the department and at Nike and one of the
13 most famous designers at Nike.

14 Q Are there any other facts that you believe
15 made you feel required to play along with the alleged 01:33PM
16 flirting?

17 A Because it was well known and I witnessed
18 that if you didn't play along or give him what he
19 wants when he wants it, there will be consequences.

20 Q What consequences did you witness? 01:33PM

21 A Abuse, verbal abuse.

22 Q Could you explain what you're referring to?

23 A He is pretty well known to be pretty
24 abusive.

25 Q Well known by whom? 01:33PM

1 A Anyone who knows him, anyone that worked
2 with him.

3 (Reporter interruption.)

4 THE VIDEOGRAPHER: We are now going off the
5 record. The time is 1:34 p.m. 01:34PM

6 (A brief recess was taken.)

7 THE VIDEOGRAPHER: We are now back on the
8 record. The time is 1:36 p.m.

9 Q BY MS. LUEDDEKE: What are the alleged
10 consequences that you witnessed from people not 01:36PM
11 playing along with [REDACTED] alleged flirting?

12 A I don't have any concrete answers for that.
13 And perhaps I should rephrase my first answer.
14 Obviously it was not required to flirt with him, but
15 under the circumstances as an ETW, he's one of the 01:36PM
16 most senior people, it felt like quite a bit of
17 pressure to play along.

18 Q Did any of your managers tell you that you
19 should or are required to flirt with [REDACTED]?

20 A No. 01:37PM

21 Q You said that it is -- scratch that.
22 Could you describe the alleged flirting by
23 [REDACTED] that you say occurred?

24 A He -- he would make several comments about
25 my appearance frequently. Several occasions he would 01:37PM

1 just start singing to me about my face or something or
2 how beautiful I was. There was one time at the --
3 again, at the laser, it was right before the off-site
4 and he said, "Wait until you see me in my Speedo,
5 Jessica." 01:38PM

6 I was like, "Okay."

7 And he just cont -- he wouldn't let up. He
8 continued on with that. But -- yes, those are the
9 incidents that I can remember the most.

10 Q What comments did he make about your 01:38PM
11 appearance?

12 A Just how I was dressed, my face.

13 Q What about how you were dressed?

14 A In a way that made me feel uncomfortable.

15 Q What did he say about how you were dressed? 01:39PM

16 A I don't remember the specifics, but there
17 was more than one occasion where he was pointing out
18 my clothing. And this was something that [REDACTED] did
19 also.

20 Q Pointing out what about your clothing? 01:39PM

21 A Just focusing on the way that I looked, my
22 body and my clothing. I don't remember the specifics.

23 Q Do you remember what he said about your
24 body?

25 A No. 01:39PM

1 Q Do you remember what he said about your
2 appearance?

3 A No.

4 Q You said he sang to you about how beautiful
5 you were?

01:39PM

6 A Yes, something about "When I see your face."
7 I don't know.

8 Q Was anybody around for that?

9 A I don't remember.

10 Q Did [REDACTED] often sing?

01:40PM

11 A No.

12 Q You said that he grabbed your arms on one
13 occasion; is that right?

14 A There was at least two occasions at the
15 laser. There's two workstations, there's a one --
16 nice cutter and then there's a laser cutter. And he
17 would -- you know, passing through he would -- I'd be
18 standing at the laser and he would come up behind me
19 and just grab my arms for no reason.

20 There was an incident where I was running
21 toward a sewing machine, walking -- walking quickly
22 towards a sewing machine because I was trying to hurry
23 up and finish something. And he came up behind me and
24 just grabbed me. That was the last incident.

01:40PM

25 Q Came up behind you and grabbed you where?

01:41PM

1 A On my arms, both arms just above the elbow.

2 Q Did anybody see this?

3 A I don't know.

4 Q When was it?

5 A It could have been fall last year, could 01:41PM
6 have been -- I don't remember exactly, but it was the
7 second half of 2019 sometime.

8 Q How long did he touch your arms for on that
9 second occasion?

10 A I don't remember. Maybe five to ten 01:41PM
11 seconds.

12 Q On the first occasion do you know how long
13 he touched your arms for?

14 A About the same probably. But I don't
15 remember exactly. 01:42PM

16 Q Do you know if anybody else was around on
17 the first occasion?

18 A Somebody was standing there. I don't
19 remember who it was.

20 Q And when was that? 01:42PM

21 A I don't remember. I believe it was in 2018.

22 Q Did you include that first instance in your
23 2018 complaint?

24 A I don't think so, because my main complaint
25 with [REDACTED] was regarding something else. 01:42PM

1 Q What was it regarding?

2 A It's not related to this case.

3 Q What was it?

4 A I don't know that I have to answer that if

5 it's not related to this case.

01:43PM

6 Q You do.

7 A I complained that he was allowed to work

8 very closely with his daughter and his other children.

9 Q Why do you believe that's not related to
10 this case?

01:43PM

11 A Because it doesn't have anything to do with
12 sexual harassment or gender discrimination for pay and
13 promotions.

14 Q You said that [REDACTED] put his hand on
15 your leg at the off-site meeting; is that right?

01:44PM

16 A Yes, we were on the bus. I believe it was
17 on the way back. And I was trying to ask him about
18 some work-related stuff, something specific about work
19 that he said. And he took that opportunity to put his
20 hand on my bare leg.

01:44PM

21 Q So you were wearing shorts?

22 A I was wearing a skirt.

23 Q Did anybody see this?

24 A I don't know.

25 Q How long did he keep his hand on your leg

01:44PM

1 for?

2 A I don't remember.

3 Q Do you have an approximation?

4 A Probably five to ten seconds, I don't know.

5 Q Did you report this incident in your 2016 -- 01:45PM
6 I'm sorry, in the 2016 investigation?

7 A I don't remember.

8 Q Did you report this incident in the 2018
9 investigation?

10 A I don't remember. I don't remember. 01:45PM

11 Q You said that it is well known by everybody
12 that [REDACTED] is allegedly abusive; is that right?

13 A Within my group and MI, most everybody
14 didn't want to work with him anymore because of the
15 way he treated people. 01:46PM

16 Q How do you know that?

17 A Because I talked to several people about it.

18 Q Who told you this?

19 A Pick anyone in MI when I was there.

20 Q Who specifically told you that they did not 01:46PM
21 want to work for [REDACTED] because they believed he
22 was abusive?

23 A Off the top of my head, I know that [REDACTED]
24 said that, I know that [REDACTED] said that, I know that

25 [REDACTED] and [REDACTED] said that. Yes. A large portion of 01:47PM

1 would say.

2 Q What are these assumptions based off of?

3 A Based off of the way I saw him treating
4 Ryan.

5 Q Do you know why [REDACTED] changed projects? 01:54PM

6 A I don't know, but I believe he told me that
7 he requested to be removed from that project.

8 Q Due to [REDACTED] behavior?

9 A I believe that is at least part of it, yes.

10 Q But you don't know that to be sure? 01:54PM

11 A I don't know that that's the only thing.

12 Q The next senior male that you allege to have
13 sexually harassed you is [REDACTED]; is that
14 correct?

15 A [REDACTED]? 10:59AM

16 Q [REDACTED]. Could you explain the
17 instances where you believe he sexually harassed you?

18 A There was a few -- only a few incidences.

19 As with [REDACTED] the harassment was -- the sexual

20 harassment was not as significant as with [REDACTED] or as 01:55PM

21 frequent. But I remember one time I actually went to

22 [REDACTED] and I was asking him if there were any

23 opportunities in his department. And this was before

24 I knew how he treated people. And he said, "Oh, I

25 don't know if [REDACTED]'s going to like that, he's going to 01:56PM

1 be so jealous if I steal you away from him."

2 And then another occasion we were standing
3 at the laser again. [REDACTED] was there, he was telling him
4 about the -- we were supposed to be getting a vision
5 system attached to the laser. And then [REDACTED] said, 01:56PM
6 "Well, why do you need a vision system, why do you
7 need mechanical eyes when you have the most beautiful
8 pair of eyes here," referring to me.

9 And I think that was when I stopped wearing
10 eye makeup. [REDACTED] didn't say anything obviously to stop 01:57PM
11 him from saying something like that.

12 Those are the main issues that I can
13 remember from [REDACTED] that were directly affecting me.

14 Q Did you report either of these issues to HR?

15 A No. Because they kind of paled in 01:57PM
16 comparison to what I was experiencing from my manager.

17 Q You said that [REDACTED] also sexually
18 harassed you?

19 A Yes.

20 Q Could you explain that instance? 01:57PM

21 A This was when I was still an ETW. It was
22 right after the Women's March. And I don't know if
23 you recall all the women had knit pink hats and they
24 were calling them pink pussy hats. And this was
25 before I really knew [REDACTED]. And again, he's been at the 01:58PM

1 company for 35 years, he's been there like from the
2 beginning basically. He's well known. Here I am an
3 ETW out on the floor.

4 He comes up to me and starts asking me about
5 the march and if I went. And then he's asking me, 01:58PM
6 "Where's your pink pussy hat, did you wear your pink
7 pussy hat?"

8 And he kept saying it over and over again.
9 "Show me where your pink pussy hat is, did you bring
10 it?" 01:58PM

11 Q This was in 2016; is that right?

12 A Yes.

13 Q Was anybody else around for this
14 conversation?

15 A I don't remember. 01:59PM

16 Q Did you report this conversation to HR?

17 A No.

18 Q You also said that [REDACTED] say has
19 sexually harassed you; is that right?

20 A He's put his hands on me numerous times. It 01:59PM
21 was like every time he talked to me he had to put his
22 hands on me. He stopped, I believe -- I mentioned it
23 to ER and he stopped.

24 Q When did you mention it to ER?

25 A In my last complaint. 01:59PM

1 sure that I just asked him what was the -- what did
2 they find, what was the consequence, what was going to
3 happen, what could he tell me. I -- if it's the one
4 that I'm thinking of, I was shocked that -- again,
5 that nothing was apparently going to be done. 05:20PM

6 Q What was your response to -- what was
7 Dante's response to this?

8 A The only thing that I remember that was said
9 in that phone call was that he said they were closing
10 the case as far as I can remember and that he couldn't 05:20PM
11 tell me what their actions were going to be.

12 Q Did you tell Dante that you were happy just
13 moving on?

14 A I don't remember saying that, no. No, this
15 is -- most of this is news to me. 05:20PM

16 Q Were you aware that Dante coached
17 [REDACTED] on being cognizant of his audience and
18 personal space?

19 A No. But this is the response that I keep
20 getting is that it's me that has the problem, that I 05:21PM
21 just need more personal space than most people, which
22 is not the case. But this is the typical response is
23 it's my problem, I need more personal space.

24 Q Did Dante say that to you?

25 A No. But -- I don't remember which HR person 05:21PM

1 said it. One of the HR people said it. Or one of the
2 ER people said it. And I'm pretty sure that Seana
3 said it, but I can't be 100 percent sure. But this is
4 the general tone is that "Some people need more space,
5 and I guess you just need more space, Jessica," which 05:22PM
6 is not the case. I just need basic respect.

7 Q You don't remember who said that to you?

8 A No. But I know that there's been more than
9 a couple people who have relayed that sentiment.

10 Q During which of your complaints was that 05:22PM
11 sentiment relayed to you?

12 A I don't remember exactly when it happened,
13 but I remember hearing it from somebody in ER,
14 somebody in HR and I'm pretty sure Seana said it to
15 me. 05:22PM

16 Q Do you remember what year this was allegedly
17 said to you?

18 A No.

19 Q Do you remember if it was in person or over
20 the phone? 05:22PM

21 A I don't.

22 Q Did you tell Dante that you believed you
23 were being paid less than men doing substantially
24 similar work?

25 A I do not. 05:23PM

1 A His abuse, everyone's pretty much fair game
2 if you don't comply with him. However, that doesn't
3 mean that he wasn't inappropriate with me.

4 Q Who is aware of this alleged running joke
5 that everyone is fair game to him? 06:23PM

6 A I've heard multiple people say it.

7 Q Like who?

8 A I heard [REDACTED] say it.

9 Q Anybody else?

10 A Yes. There's been other people I've heard 06:23PM
11 say it, but I don't remember who.

12 Q Did you ever tell anybody in HR or ER that
13 someone was discriminating against you on the basis of
14 your gender?

15 A No. 06:23PM

16 Q If you go down to Page 824 do you see the
17 heading that starts with "Cronological: [REDACTED]"?

18 A Yes.

19 Q In the third bullet point down you say,
20 "Between the start date and June 2016, I caught him 06:24PM
21 staring at my chest and my crotch on numerous
22 occasions."

23 Do you see that?

24 A Yes. This was an ongoing issue. And it did
25 stop for a while and then it continued after that. 06:24PM

1 Q How many times did this occur?

2 A I don't have a number. It was a lot, enough
3 that I felt the need to change the way that I dress.

4 Q Was it more than five?

5 A Yes.

06:25PM

6 Q More than ten?

7 A Yes.

8 Q More than 20?

9 A Probably, yes.

10 Q Do you know on the date that this occurred?

06:25PM

11 A No.

12 Q Was anybody else aware or a witness of

13 ██████████ allegedly staring at your breasts or your
14 crotch?

15 A Yeah. I asked ██████████ -- I talked to

06:25PM

16 ██████████ before we went on the -- sorry -- I'm
17 going to need to take a break in a second. I talked
18 to ██████████ before we went on our off-site and
19 he confirmed witnessing what I was describing.

20 Q What did he say to you?

06:26PM

21 A I asked him if -- I didn't ask him, I told
22 him what I was experiencing and he says, "I know, he
23 does it to all of you."

24 Q What did you tell him that you were
25 experiencing?

06:26PM

1 A Touching, staring, ogling, close talking, no
2 respect for personal space, weird comments.

3 Q Who was [REDACTED] referring to when he
4 said he does this to all of you?

5 A I believe he was referring to [REDACTED] and 06:27PM
6 [REDACTED] and myself.

7 Q Did you ask him who he was referring to?

8 A That's who he meant.

9 Q How do you know that?

10 A Because we were talking about our immediate 06:27PM
11 team.

12 MS. LUEDDEKE: Okay. Did you say you'd like
13 to take a break?

14 THE WITNESS: I do need to take a break.

15 Can you give me ten minutes? 06:27PM

16 MS. LUEDDEKE: Yeah, definitely.

17 THE VIDEOGRAPHER: We are now going off the
18 record. The time is 6:28 p.m.

19 (A brief recess was taken.)

20 THE VIDEOGRAPHER: We are now on the record. 06:36PM
21 The time is 6:36 p.m.

22 Q BY MS. LUEDDEKE: In the second to last put
23 bullet point on Page 824 you're describing that time
24 that [REDACTED] allegedly rubbed your back. And you
25 say, "At the time I was an ETW and my manager from the 06:37PM

Page 223

1 have to ask some of the engineers for 3D assistance.
2 But I believe my primary responsibility is going to be
3 jiggling -- jiggling exploration and running the
4 stitching machine.

5 Q In your opt-in complaint you said that Nike 07:36PM
6 refused to tell you whether they kept your identity
7 confidential; is that right?

8 A I believe so. Yeah. I don't know if the
9 people I complained about know it was me making the
10 complaint. 07:36PM

11 Q Who did you ask at Nike HR?

12 A I don't know exactly who I asked. I believe
13 I asked either Ana or Julio.

14 Q Did you ask the same question in your 2018
15 complaint? 07:37PM

16 A I don't remember specifically, but I may
17 have.

18 Q Do you remember who you may have asked in
19 2018?

20 A It would either be Dante or Seana. 07:37PM

21 Q Do you remember Dante or Seana's response to
22 your question of whether your identity has been kept
23 confidential?

24 A I don't remember. I think they said no.
25 But I can't be certain. I believe Ana -- I was told 07:38PM

1 again that this was -- that it was confidential.

2 Q By whom?

3 A By either Ana or Julio, I can't say for
4 sure, I don't remember.

5 Q Did you say that they did say that it was 07:38PM
6 confidential?

7 A I believe they told me that yes, that it was
8 not known that I was the complainer.

9 Q Do you understand the nature of a class
10 action proceeding? 07:39PM

11 A Not the details.

12 Q What is your understanding of a class action
13 proceeding?

14 MR. DENLINGER: I'll object to the extent it
15 calls for a legal conclusion. 07:40PM

16 You can answer.

17 THE WITNESS: As I understand it, a class
18 action suit is anyone who was working at the time that
19 the original complaints are made who is similarly
20 situated, can be included in this proceeding, in this 07:40PM
21 lawsuit.

22 Q BY MS. LUEDDEKE: Do you know if there are
23 any class members who made hiring and promotion
24 decisions about other women?

25 A I don't know, but I assume. 07:40PM

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, Rochelle Holmes, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me via videoconference; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [X] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: this 5th day of January, 2021.



Rochelle Holmes

CSR No. 9482, CCRR No. 0123